



11-16-05

AF 12672  
THW

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : James M. Ziobro  
FOR : **INTELLIGENT COLOR TO  
TEXTURE CONVERTER**  
SERIAL NO. : 09/725,384  
FILED : November 29, 2000  
GROUP ART UNIT : 2672  
CONFIRMATION NO. : 6573  
EXAMINER : Montilewa Good Johnson  
LAST OFFICE ACTION : May 17, 2005  
ATTORNEY DOCKET NO. : A0125Q-US-NP  
XERZ 2 00404

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **May 17, 2005** finally rejecting claims 4-23. A Pre-Appeal Brief Request for Review is being filed herewith.

Certificate of Mailing	
Under 37 C.F.R. § 1.8, I certify that this Notice of Appeal and accompanying document(s) are being	
<input type="checkbox"/>	deposited with the United States Postal Service as First Class mail, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input type="checkbox"/>	transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
<input checked="" type="checkbox"/>	deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 .
Express Mail Label No. EV 702957059 US	Signature <i>Iris E Weber</i>
Date <i>November 15, 2005</i>	Printed Name Iris E Weber

11/17/2005 NNGUYEN1 00000027 240037 09725384

01 FC:1401  
02 FC:1253500.00 DA  
1020.00 DA

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

3. **EXTENSION OF TIME**

☒ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a three-month extension of time up to and including November 17, 2005 in which to file the accompanying Notice of Appeal. Please charge the payment for this Notice of Appeal and any appropriate extension of time fees or credit any overpayment of such fees to Deposit Account No. 24-0037.

4. **TOTAL FEES DUE**

☒ The total fee due is:

Notice of Appeal Fee:	<u>\$500.00</u>
Extension of Time Fee:	<u>\$1020.00</u>

5. **FEE PAYMENT**

☒ The fee for the Notice of Appeal is authorized to be charged to Deposit Account No. 24-0037 as indicated above.

☒ The extension of time fees authorized to be charged to Deposit Account No. 24-0037 as indicated above.

☒ If any additional extension of time fees or other additional fees are required, this is a request therefor, and authorization to charge Deposit Account No. 24-0037.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE LLP



Joseph D. Dreher, Reg. No. 37,123  
Thomas Tillander, Reg. No. 47,334  
1100 Superior Avenue  
Seventh Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582